

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 58258-59732

Kenneth G. Kellner
Shirley A. Kellner

7308 Stratton Way

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on May 20, 2009, for a hearing on two citations for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, 415A, failure to repair/remove boat on trailer with flat tire, failure to cease open dump conditions; Baltimore County Code (BCC) section 13-4-105, failure to cease depositing offensive material on public and/or private property, section 13-7-310, failure to remove trash and debris from rear property on residential property zoned DR 10.5 known as 7308 Stratton Way, 21224.

On April 23, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, Christina Frink issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

On April 28, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, Ed Creed issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation issued April 23, 2009 proposed a civil penalty of \$400.00 (four hundred dollars).

The citation issued April 28, 2009 proposed a civil penalty of \$500.00 (five hundred dollars).

The following persons appeared for the Hearing and testified: the Complainants, Mr. Henry Maans along with his wife, Sophie Maans, Rebecca Daniels, ADA Coordinator for the Office of Community Conservation and, Ed Creed, Baltimore County Code Enforcement Officer.

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 7, 2009 requesting tagging or removal of the boat on a trailer on Respondent's property, and noting that the trailer must be operable. This Citation was issued on April 23, 2009. Photographs in the file show a small motorboat on a trailer with expired registration and a flat tire. Baltimore County zoning regulations require Respondent to remove the boat and trailer or correct the violations with tags and repairs. If Respondent fails to comply, Baltimore County has the authority to remove the boat and trailer at Respondent's expense.

B. The other Citation is for open dump conditions and improper storage of garbage. Photographs in the file show piles of junk, trash and debris; bags of garbage or rubbish; piles of brush and yard waste; and garbage cans without lids. This constitutes a violation of County Code provisions prohibiting conditions that are conducive to rat harborage and rat infestation.

C. Inspector Creed testified that Respondent has been depositing offensive material including human waste on the neighbor's property. He further testified that there is a strong smell of urine from Respondent's property. Mrs. Maans lives next door and testified that Respondent steals her flowerpots, table, chair, newspapers, hose, and other decorative items. She further testified that Respondent is combative and argumentative, has emptied his urine into her flowerpots and garden, and has thrown eggs at her family's vehicles. The Police Department and the Department of Social Services have been called.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$900.00 (nine hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if Respondent corrects all violations by June 9, 2009. If the Respondent fails to correct the violations, then the full civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that after June 9, 2009, Baltimore County may enter the property for the purpose of removing accumulated trash, garbage, junk and debris from Respondent's yard, at the expense of the property owner.

IT IS FURTHER ORDERED that after June 9, 2009, Baltimore County may enter the property for the purpose of removing the untagged boat and trailer, at the expense of the property owner.

IT IS FURTHER ORDERED that the civil penalty and any expenses incurred by Baltimore County as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 27th day of May 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer